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DANIELS & DANIELS, P.A.

August 20, 2001

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Assistant Commissioner for Patents
BOX PATENT APPLICATION
Washington, D.C. 20231

OFFICE OF PETITIONS
DEPUTY A/C PATENTS

RE: U.S. Application for CAPACITY SCALING AND FUNCTIONAL ELEMENT
REDISTRIBUTION WITHIN AN IN-BUILDING COAX CABLE INTERNET
ACCESS SYSTEM
Based on U.S. Provisional Application Serial No. 60/226,505 filed August 21, 2000
Docket No. 0960-020

Petition to Accept Declaration without Signature of Deceased Inventor

Dear Sir:

Please accept the attached "Declaration (37 CFR 1.63) for Utility or Design Application using an Application Data Sheet (37 CFR 1.76)" (Form PTO/SB/01A) that is unsigned by John B. Terry who died recently. It is uncertain when Mr. Terry's estate will be sent to probate court and as such, the undersigned requests acceptance of the attached Declaration.

The remaining inventor, Mr. Jeffrey A. Hales has signed the "Declaration (37 CFR 1.63) for Utility or Design Application using an Application Data Sheet (37 CFR 1.76)" and a facsimile copy is included in the filing.

Please contact the undersigned should you have any questions.

Sincerely

Kevin E. Flynn
Reg. No. 37,325

Enclosures

F:\CL\0960-020\As filed\Petition.doc

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

FEE TRANSMITTAL for FY 2001

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$ 355.00)

Complete if Known

Application Number	Not Assigned
Filing Date	Herewith
First Named Inventor	Terry et al.
Examiner Name	N/A
Group/Art Unit	N/A

Attorney Docket No. 0960-020

1017 U.S. P.T.O.
09/933323
06/20/01



METHOD OF PAYMENT (check one)

1. The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit Account Number Deposit Account Name

Applicant Claims Small Entity Status
 Charge Any Additional Fee Required
 Under 37 CFR 1.16 and 1.17

2. Payment Enclosed:

Check Money Order Other

FEE CALCULATION

1. BASIC FILING FEE

Large Entity	Small Entity	Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
101	710	201	355	Utility filing fee	<input type="text"/>	355.00	
106	320	206	160	Design filing fee	<input type="text"/>		
107	490	207	245	Plant filing fee	<input type="text"/>		
108	710	208	355	Reissue filing fee	<input type="text"/>		
114	150	214	75	Provisional filing fee	<input type="text"/>		
SUBTOTAL (1)		(\$ 355.00)					

2. EXTRA CLAIM FEES

Total Claims	Extra Claims	Fee from Below	Fee Paid
11	-20**= 0	x 9	= 0.00
Independent Claims 1	-3**= 0	x 40	= 0.00

Multiple Dependent

**or number previously paid, if greater; For Reissues, see below

Large Entity	Small Entity	Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description
103	18	203	9	Claims in excess of 20		
102	80	202	40	Independent claims in excess of 3		
104	270	204	135	Multiple dependent claim, if not paid		
109	80	209	40	**Reissue Independent claims over original patent		
110	18	210	9	**Reissue claims in excess of 20 and over original patent		
SUBTOTAL (2)		(\$ 0.00)				

3. ADDITIONAL FEES

Large Entity	Small Entity	Fee Code	Fee (\$)	Fee Description	Fee Paid
105	130	205	65	Surcharge - late filing fee or oath	
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	390	216	195	Extension for reply within second month	
117	890	217	445	Extension for reply within third month	
118	1,390	218	695	Extension for reply within fourth month	
128	1,890	228	945	Extension for reply within fifth month	
119	310	219	155	Notice of Appeal	
120	310	220	155	Filing a brief in support of an appeal	
121	270	221	135	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,240	241	620	Petition to revive - unintentional	
142	1,240	242	620	Utility issue fee (or reissue)	
143	440	243	220	Design issue fee	
144	600	244	300	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	
123	50	123	50	Petitions related to provisional applications	
126	240	126	240	Submission of information Disclosure Stmt	
581	40	581	40	Recording each patent assignment per property (times number of properties)	
146	710	246	355	Filing a submission after final rejection (37 CFR § 1.129(a))	
149	710	249	355	For each additional invention to be examined (37 CFR § 1.129(b))	

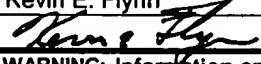
Other fee (specify) _____

Other fee (specify) _____

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 0-

Complete if applicable

Name (Print/Type)	Kevin E. Flynn	Registration No. (Attorney/Agent)	37,325	Telephone	(919) 544 5444
Signature		Date	August 20, 2001		

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY AND COMMISSIONER
OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

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JUNE 12, 2001

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101659823A

DANIELS & DANIELS, P.A.
KEVIN E. FLYNN
P.O. DRAWER 12218
RESEARCH TRIANGLE PARK, NC 27709

UNITED STATES PATENT AND TRADEMARK OFFICE
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

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PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 03/26/2001

REEL/FRAME: 011652/0360

NUMBER OF PAGES: 8

BRIEF: ASSIGNMENT OF ASSIGNEE'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNEE:

TERRY, JOHN B.

DOC DATE: 03/02/2001

ASSIGNEE:

JT LABORATORIES LLC, A GEORGIA
LIMITED LIABILITY COMPANY

DOC DATE: 03/02/2001

ASSIGNEE:

JT INNOVATIONS, LLC, A GEORGIA
LIMITED LIABILITY COMPANY

DOC DATE: 03/02/2001

ASSIGNEE:

COAXMEDIA, INC.
1220 OAK, INDUSTRIAL LANE, SUITE B
CUMMING, GEORGIA 30041

SERIAL NUMBER: 60226505

FILING DATE: 08/21/2000

PATENT NUMBER:

ISSUE DATE:

CONF

011652/0360 PAGE 2

JOANN STEWART, EXAMINER
ASSIGNMENT DIVISION
OFFICE OF PUBLIC RECORDS

04-11-2001



101659823

PATENT

CO

**RECORDATION FORM COVER SHEET
PATENTS ONLY**

TO: The Commissioner of Patents & Trademarks: Box Assignments, Washington DC 20231		Please record the attached original document(s) or copies.
SUBMISSION TYPE		CONVEYANCE TYPE
NEW [X]		ASSIGNMENT [X]
CONVEYING PARTY(IES)		number of conveying parties <u>3</u> (if more than 1)
First party		Execution Date
NAME (line 1)	John B. Terry	Month Day Year
NAME (line 2)		March 2, 2001
Second party		Execution Date
NAME (line 1)	JT Laboratories LLC	Month Day Year
NAME (line 2)		March 2, 2001
RECEIVING PARTY(IES)		number of receiving parties _____ (if more than 1)
First Receiving Party		
NAME (line 1)	coaXmedia, Inc.	
NAME (line 2)		
ADDRESS (line 1)	1220 Oak Industrial Lane, Suite B	
ADDRESS (line 2)		
ADDRESS (line 3)	Cumming	GA
	City	State/Country
		Zip Code
Domestic Representative for first Receiving Party		
NAME		
ADDRESS (line 1)		
ADDRESS (line 2)		
ADDRESS (line 3)		
ADDRESS (line 4)		
FOR PTO USE ONLY		
2001 TDIAZ1 00000073 60226505		
581 40.00 DP		

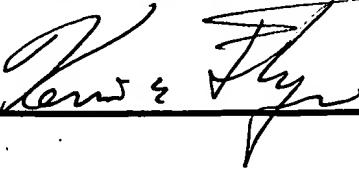
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04/10/2001 TDIAZ1 00000073 60226505

01 FC:581

40.00 DP

RECORDATION FORM COVER SHEET
PATENTS ONLY PAGE 2

Correspondent Name and Address	
Area Code and Telephone Number	919-544-5444
NAME:	Kevin E. Flynn
ADDRESS (line 1)	Daniels & Daniels, P.A.
ADDRESS (line 2)	P.O. Drawer 12218
ADDRESS (line 3)	Research Triangle Park, NC 27709
ADDRESS (line 4)	
PAGES Total number of pages of the attached conveyance document including attachments 11	
APPLICATION NUMBER(s)	PATENT NUMBER(s)
60226505	
If this document is being filed with a NEW patent application , enter the date the patent application was signed by the first named executing inventor:	
PATENT COOPERATION TREATY. Enter PCT application number ONLY IF a U.S. Application Number has not been assigned. PCT NUMBER	
NUMBER OF PROPERTIES	
Enter the total number of properties involved # <u>1</u>	
FEE AMOUNT Fee amount (\$40 x) Properties listed (37 CFR 3.41) \$ <u>40</u>	
Method of Payment Enclosed <u>X</u>	
Deposit Account _____ Deposit Account Number _____	
Authorization to charge Additional Fees YES <input type="checkbox"/> NO <input type="checkbox"/>	
Statement and Signature	
Name of Person Signing Kevin E. Flynn Reg. # 37,325 Daniels & Daniels, P.A.	To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document. Charges to deposit account are authorized, as indicated herein. Signature  <u>Kevin E. Flynn</u>
Date: <u>03/23/2001</u>	

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RECORDATION FORM COVER SHEET
CONTINUATION
PATENTS ONLY

CONVEYING PARTY(IES)		
Third party NAME (line 1) JT Innovations, LLC NAME (line 2) a Georgia limited liability company		
Execution Date		
Month Day Year		
March 2, 2001		
Fourth party NAME (line 1) NAME (line 2)		
Execution Date		
Month Day Year		
RECEIVING PARTY(IES)		
_____ Receiving Party NAME (line 1) NAME (line 2) ADDRESS (line 1) ADDRESS (line 2) ADDRESS (line 3)		
City	State/Country	Zip Code
APPLICATION NUMBER(s)		PATENT NUMBER(s)



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Washington, D.C. 20231

JUNE 12, 2001

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DANIELS & DANIELS, P.A.
KEVIN E. FLYNN
P.O. DRAWER 12218
RESEARCH TRIANGLE PARK, NC 27709



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RECORDATION DATE: 03/26/2001

REEL/FRAME: 011652/0372

NUMBER OF PAGES: 5

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

HALES, JEFFREY A.

DOC DATE: 03/06/2001

ASSIGNEE:

COAXMEDIA, INC.
1220 OAK INDUSTRIAL LANE, SUITE B
CUMMING, GEORGIA 30041

SERIAL NUMBER: 60226505

FILING DATE: 08/21/2000

PATENT NUMBER:

ISSUE DATE:

MARY BENTON, EXAMINER
ASSIGNMENT DIVISION
OFFICE OF PUBLIC RECORDS

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STATE OF GEORGIA

Forsyth COUNTY

I, Andrea O'Connor, a Notary Public for Fulton County, Georgia,
do hereby certify that JEFFREY Hales personally appeared before me this day and
acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal, this the 6th day of March, 2001.

Andrea O'Connor
Notary Public

My Commission Expires March 13, 2004
Notary Public, Fulton County, Georgia

My commission expires: _____

\DANIELS_FSI\SYS\CL\0960-012\ASSIGN (Hales).doc

Page 3 of 3 of Assignment for United States Provisional Application Serial No. 60/226,505 for
CAPACITY SCALING AND FUNCTIONAL ELEMENT REDISTRIBUTION WITHIN AN IN-BUILDING
COAX CABLE INTERNET ACCESS SYSTEM
Docket No. 0960-012



101659822

3-26-01

RECORDATION FORM COVER SHEET PATENTS ONLY

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SUBMISSION TYPE	CONVEYANCE TYPE	
NEW <input checked="" type="checkbox"/>	ASSIGNMENT <input checked="" type="checkbox"/>	
CONVEYING PARTY(IES)	number of conveying parties <u>1</u> (if more than 1)	
First party NAME (line 1) Jeffrey A. Hales NAME (line 2)	Execution Date Month Day Year March 6, 2001	
Second party NAME (line 1) NAME (line 2)	Execution Date Month Day Year	
RECEIVING PARTY(IES)	number of receiving parties _____ (if more than 1)	
First Receiving Party NAME (line 1) coaXmedia, Inc. NAME (line 2)		
ADDRESS (line 1) 1220 Oak Industrial Lane, Suite B ADDRESS (line 2)		
ADDRESS (line 3) Cumming City	GA State/Country	30041 Zip Code
Domestic Representative for first Receiving Party		
NAME ADDRESS (line 1) ADDRESS (line 2) ADDRESS (line 3) ADDRESS (line 4)		
04/10/2001 TDIAZ1 00000072 60226505 01 FC:581	FOR PTO USE ONLY	
40.00 OP		

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**RECORDATION FORM COVER SHEET
PATENTS ONLY PAGE 2**

Correspondent Name and Address	
Area Code and Telephone Number 919-544-5444	
NAME: Kevin E. Flynn ADDRESS (line 1) Daniels & Daniels, P.A. ADDRESS (line 2) P.O. Drawer 12218 ADDRESS (line 3) Research Triangle Park, NC 27709 ADDRESS (line 4)	
PAGES Total number of pages of the attached conveyance document including attachments 9	
APPLICATION NUMBER(s) PATENT NUMBER(s)	
60226505	

If this document is being filed with a NEW patent application , enter the date the patent application was signed by the first named executing inventor:	
PATENT COOPERATION TREATY. Enter PCT application number ONLY IF a U.S. Application Number has not been assigned. PCT NUMBER	
NUMBER OF PROPERTIES Enter the total number of properties involved # 1	
FEE AMOUNT Fee amount (\$40 x) Properties listed (37 CFR 3.41) \$ 40	
Method of Payment Enclosed <input checked="" type="checkbox"/> Deposit Account _____ Deposit Account Number _____ Authorization to charge Additional Fees YES <input type="checkbox"/> NO <input type="checkbox"/>	
Statement and Signature	
Name of Person Signing Kevin E. Flynn Reg. # 37,325 Daniels & Daniels, P.A.	<i>To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document. Charges to deposit account are authorized, as indicated herein.</i> <i>Signature</i> <i>Kevin E. Flynn</i>
Date: 03/23/2001	

PTO/SB/48 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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STATEMENT UNDER 37 CFR 3.73(b)Applicant/Patent Owner: Terry et al.Application No./Patent No.: 60/226,505 Filed/Issue Date: August 21, 2000Entitled: Capacity Scaling and Functional Element Redistribution Within an In-building Cable Internet Access System
coaxmedia, Inc., a Corporation

(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

- the assignee of the entire right, title, and interest; or
- an assignee of less than the entire right, title and interest.

The extent (by, percentage) of its ownership interest is _____ %

in the patent application/patent identified above by virtue of either:

A. [] An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

OR

B. [x] A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: Jeffrey A. Hales To: coaxmedia, Inc.

The document was recorded in the United States Patent and Trademark Office at Reel 011652, Frame 0372, or for which a copy thereof is attached.

2. From: John B. Terry /T Laboratories LLC/ T Innovations, LLC To: coaxmedia, Inc.

The document was recorded in the United States Patent and Trademark Office at Reel 011652, Frame 0360, or for which a copy thereof is attached.

3. From: _____ To: _____

The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

[] Additional documents in the chain of title are listed on a supplemental sheet.

[x] Copies of assignments or other documents in the chain of title are attached.

[NOTE: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

August 20, 2000

Date

G. Thomas Mitchell

Typed or printed name

G. Thomas Mitchell

Signature

Chief Operating Officer

Title

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.